

CIVIL DOCKET
UNITED STATES DISTRICT COURT

BOHANON

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS			
<p>W.G. Boutell and Carl Arthur Miler,</p> <p>vs</p> <p>Warren Volk and Wilson-Volk, Inc.</p>		<p>For plaintiff:</p> <p>James R. Head <i>584-487</i> 424 Beacon Bldg., Tulsa, Okla. 74103</p>			
		<p>For defendant:</p> <p>William S. Dorman 1216 National Bank of Tulsa Bldg. Tulsa, Okla. 74103</p> <p>John A. Cochran <i>585-1136</i> 903 Franklin Building Tulsa, Oklahoma</p>			
STATISTICAL RECORD	COSTS	DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed <i>9-2-69</i>	Clerk	8-22-69	Head	15 00	
		8-28-69	C/D 9		15 00
		10-27-69	Cochran	250 00	
J.S. 6 mailed <i>7-1-70</i>	Marshal	8-10-70	Head	5 00	
		8-13-70	C.D.No. 8		5 00
Basis of Action:	Docket fee				
	Witness fees				
Action arose at: <i>Patent Infringement</i>	Depositions				

DATE	PROCEEDINGS	Date Order or Judgment Noted
8-22-69	Complaint for Patent Infringement filed. h	Summons issued.h
8-22-69	Letter mailed to Commissioner of Patents, Wash.D.C.h	
8-27-69	Return on service of summons filed. Served Wilson-Volk, Inc., by serving John J. McQueen Serv. Agent at Tulsa, Okla. on 8-26-69.(USM \$3.36)	
	Returned unserved on Warren Volk. Subject not found in this district.h	
9-12-69	Stipulation re: extension of time to answer or plead, b	
9-12-69	Order (a part of stipulation) filed that the defendant, Wilson-Volk, Inc., be granted until Oct. 15, 1969 to answer or otherwise plead. (Luther Bohanon - Judge) b	
9-12-69	Notice of taking depositions, filed. ds	
9-12-69	Motion for preliminary injunction or alternative security from defendants, filed. ds	
9-12-69	Brief in support of motion for preliminary injunction or alternative security from defendants, filed. ds	
9-16-69	Motion to quash notice of deposition and brief, filed. ds <i>mailed</i>	
9-16-69	Application to withdraw as attorney, filed by William S. Dorman. ds <i>mailed</i>	
9-17-69	Order that motion to quash notice of deposition of deft. Wilson-Volk, Inc., is denied, filed. (LB-J)m (copies mailed)	
9-17-69	Order that William S. Dorman is allowed to withdraw as atty. for deft. Wilson-Volk, Inc., filed. (LB-J)m (copies mailed)	
9-19-69	Motion for Default Judgment Against Defendant for Failing to Comply with Court's Order for Taking Deposition filed by plaintiffs filed.h	
9-19-69	Brief in Support of Motion for Default Judgment filed. h	
9-25-69	Order of default judgment against defendant Wilson-Volk, Inc., for failing to comply with Court's order for taking deposition, filed and entered; and that the amount of the liability of the defendant and extent of judgment shall be determined at a separate hearing to be set by the Court on notice to the parties. (Luther Bohanon - Judge) copies mailed. b	
10-1-69	Motion to set aside default judgment of deft. Wilson-Volk, Inc., filed. m (with affidavit attached) <i>mailed</i>	
10-1-69	Brief in support of motion to set aside default judgment, filed. m	
10-13-69	Defendant's memorandum brief on preliminary injunction, filed. b	
10-13-69	Case called for hearing on various motions. Motion to set aside default judgment of deft. Wilson-Volk, Inc., is sustained on condition that deft. pay costs in amt. of \$250. Answer to be filed by 10-15-69 & parties to prepare order. Pltff. to take depositions and Court will set hearing on pltfs' motion for preliminary injunction, etc., for 9:30 a.m. 10-27-69, but parties not to bring witnesses at that time. (LB-J)m	
10-15-69	Defendant's Answer and counterclaim, filed. ds	
10-13-69	Order concerning the Hearing of 10-13-69 filed. It is ordered that the Defendants' motion to set aside default judgment granted, and defendant ordered to pay \$250.00 for the costs and atty's fees, etc.; that the hearing on the amount of judgment for default is moot; and that plaintiffs' motion for Temporary Injunction will be called on 10-27-69 to be set for hearing. (Luther Bohanon-Judge)h	
10-27-69	Case called for hearing on pltfs' motion for preliminary injunction or alternative security from defts. Motion is withdrawn and moot. Deft. to take depositions of plts in Tulsa within 10 days. Deft. not to sell assets, but if they have to dispose of any assets, they shall file an application for Court to set for hearing. (LB-J)m	
10-30-69	Order that plaintiff's motion for preliminary injunction is withdrawn, that defendants shall not sell or further encumber their amusement ride, "Galaxie", nor make any changes in title without a court hearing; depositions of W.G. Boutell and Carl Arthur Miler to be taken within 10 days, filed. (LB-J)g	

Continued

DATE	PROCEEDINGS	Date Order or Judgment Noted
11-12-69	Depositions of Warren Milton Volk and Cliff Wilson, for plaintiffs, taken on 10-20-69, before Frank L. Peterson, CSR, filed. (\$63.00) ds	
12-11-69	It is ordered by the court that this case is set for pre-trial hearing on Wednesday, January 7, 1970 at 9:30 A.M. (LB-J) ds	
1-5-70	Plaintiffs' reply to defendants' answer and counterclaim, filed. m	
1-5-70	Plaintiffs' first interrogatories to defendants, filed. m	
1-7-70	Case called for pre-trial hearing. At request of defts and agreement of pltf's, pre-trial hearing passed for 60 days and pre-trial order to be prepared. (LB-J)m	
1-7-70	Stipulation for amendment to defendants' answer and counter-claim, filed. m	
1-7-70	Order authorizing stipulated amendment to defendants' answer and counter-claim, filed. (LB-J)m	
1-7-70	Amendment to defendants' answer and counter-claim, filed. m	
1-13-70	Order continuing date of pre-trial conference until after 3-9-70, filed. (LB-J)m	
1-13-70	Defendant, Wilson-Volk, Inc.'s answer to plaintiffs' first interrogatories, filed. b	
1-14-70	Depositions of Carl A. Miler and William G. Boutell taken on 12-1-69 on behalf of defts. (Fee: \$33.00 pd by defts.)m	
2-3-70	Notice of taking depositions, filed. m	
3-25-70	Depositions of Harold H. Persey, Alfred Taylor, J. Frank Turpin and Carl Arthur Miler taken in Portland Oregon, before Douglas G. Alex, NP, filed. ds	
3-27-70	Case set for pre-trial Thursday 4-9-70 at 1:30 p.m. (LB-J)m	
4-9-70	Pre-trial hearing held. Parties to prepare and submit pre-trial order within 5 days. Trial to take 1 day and will be set on a <u>Monday</u> in June or July. (LB-J)m	
4-15-70	Case set for non-jury trial Monday 5-11-70 at 1:30 p.m. (LB-J)m	
4-16-70	Case reset for non-jury trial Tuesday 5-12-70 at 9:30 a.m. (LB-J)m	
4-16-70	Plaintiffs' second interrogatories, filed. m	
4-21-70	Pre-trial order, filed. (LB-J)m	
5-6-70	Deft. Wilson-Volk, Inc.'s answer to plaintiffs' second interrogatories, filed. m	
5-8-70	Plaintiffs' trial brief, filed. m	
5-8-70	Deft. Wilson-Volk, Inc.'s amended answer to pltf's first interrogatories, filed. m	
5-8-70	Trial brief for defendants, filed. m	
5-12-70	Case called for trial. Court finds that the pltf's patent is invalid, that there was no infringement by the deft. Judgment is for the deft. & counsel for deft. to prepare proper F/F & C/L & submit to pltf. for approval as to form within 10 days & then to Court. Pltf. to submit 10 days thereafter to the Court additions & corrections to the F/F & Court will then enter final F/F & C/L & Judgment. (LB-J)m	
5-12-70	Trial exhibits, filed. m	
6-8-70	Findings of Fact and Conclusions of Law, filed. (LB-J)m (copy mailed Mr. Head)	
6-12-70	Judgment, filed and entered, that Claim 6 of U.S. Letters Patent No. 2,674,957, is invalid and void; that deft. Wilson-Volk, Inc. does not infringe upon Claim No. 6; and that the complaint is dismissed at pltf's cost. (LB-J)m (copies mailed)	
6-17-70	Bill of costs in the amt. of \$207.80, filed. Taxing set before Clerk on 6-23-70 at 9:30 a.m. m	
6-23-70	Costs taxed against the plaintiff in the sum of \$207.80. p	
7-10-70	Motion for order extending time for appeal, filed. ds over	

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-10-70	Order, extending time for plaintiffs to appeal to USCA to and including 8-11-70, filed. (LB-J) ds <i>Copies mailed allies & U.S.E.A.</i>	
8-7-70	Transcript of Court's Decision of Comment held May 12, 1970 filed. (FS-CSR)h	
8-10-70	Notice of appeal by plaintiffs, filed. cpy to USCA (with order of 7-10-70) and to John A. Cochran. g	
8-11-70	Certificate of clerk to deposit cash in lieu of bond for costs on appeal, filed. (\$250.00 deposited in the Registry of Court) b	
9-21-70	Order extending time to file and docket appeal until 11-8-70, filed. (LB-J)m (copies mailed Clerk, USCA, and parties)	
11-4-70	Transcript of trial proceedings of 5-12-70, filed. (FS-CSR)g	
11-5-70	Appeal record (9 vols.) sent to USCA, Denver. g	
2-23-71	C/C of order from 10th Circuit Ct. of Appeals remanding case to permit dist. court to entertain a motion for entry of an appealable order; and that Clerk of dist. court certify to 10th Circuit a supplemental record of proceedings held pursuant to this remand; and 10th Circuit retains jurisdiction of cause for all other purposes, filed. m	
2-26-71	Opinion from 10th circuit, filed, remanding cause as per above order.m	
3-3-71	Pltf's motion for entry of an appealable order, filed. m <i>mailed to Judge</i>	
3-5-71	Judgment and order, filed and entered, that claim 6 of U.S. Letters Patent #2,674,957 is invalid & void; that because the claim is invalid, the deft. Wilson-Volk, Inc. does not infringe upon Claim #6 of said patent by the sales & public use of an amusement device known as the "Galaxie"; and that action is dismissed at pltf's cost. (LB-J)m (copies mailed parties)	
3-5-71	Supplemental record transmitted to USCA, Denver. g	
11-18-71	Mandate and opinion of USCA affirming judgment of 6-12-70, filed and spread of record. (O.K. to file) (LB-J)m	
7-19-73	Order of Disbursement filed directing Clerk to disburse \$250.00 payable to Head & Johnson. (LB-J)jj	